

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NIKKI SNELL,

Defendant.

CR 14-42-GF-BMM

ORDER

This case was referred to United States Magistrate Judge John Johnston for a revocation hearing and findings and recommendations. Judge Johnston entered his findings and recommendations on January 12, 2016. Defendant admitted she had violated Standard Condition 6 of her supervised release by failing to notify her probation officer of a change in residence, she had violated Special Condition 1 of her supervised release by failing to participate in substance abuse treatment, and she had violated Special Condition 4 of her supervised release by failing to participate in substance abuse testing. Judge Johnston found the admissions sufficient to establish the supervised release violations. He recommended that this Court revoke Defendant's supervised release and commit her to the custody of the United States Bureau of Prisons for a term of imprisonment of seven weeks, with 30 months of supervised release to follow. He also recommended that the term of supervised release include 180 days in a Residential Reentry Center, if Defendant

is eligible.

No objections were filed by either party. Judge Johnston's findings and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commadore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Johnston's findings. Defendant admitted she had violated Standard Condition 6 and Special Conditions 1 and 4. Defendant could be incarcerated for up to 24 months, followed by 36 months of supervised release less any custody time imposed. The United States Sentencing Guidelines call for a term of imprisonment of three to nine months. A sentence of seven weeks in custody, followed by 30 months of supervised release is appropriate. The sentence is sufficient but not greater than necessary.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 70) are ADOPTED in full and Judgment shall be entered accordingly.

DATED this 4th day of January, 2016.



Brian Morris
United States District Court Judge